

TOWN OF ESSEX  
LAND USE APPLICATION  
PART ONE

PLEASE CHECK THE APPROPRIATE LINE(S) AND ATTACH THE APPROPRIATE APPLICATION(S):

SPECIAL EXCEPTION	_____	VARIANCE/ APPEAL	_____
SITE PLAN REVIEW	_____	APPROVAL OF LOCATION	_____
INLAND WETLANDS PERMIT	<u>  X  </u>	REGULATION TEXT AMENDMENT	_____
INLAND WETLANDS PERMIT - AGENT APPROVAL	_____	ZONE CHANGE	_____
	_____	COASTAL SITE PLAN REVIEW	_____
WETLAND PERMIT TRANSFER	_____	MODIFICATION OF PRIOR APPROVAL	_____
SUBDIVISION / RESUBDIVISION	_____	SPECIAL FLOOD HAZARD AREA PERMIT	_____

PROJECT DESCRIPTION:

Restoration of flow in wetland where a dam has formed.

STREET ADDRESS OF PROPERTY   25 Heron Pond Road  

ASSESSOR'S MAP   74   LOT   6   LOT SIZE   1.22 ACRES   DISTRICT \_\_\_\_\_

APPLICANT   Jens Hupkau  

EMAIL:   jenshupkau@yahoo.com   PHONE   203 437-5298  

APPLICANT'S AGENT (if any)   N/A  

EMAIL: \_\_\_\_\_ PHONE \_\_\_\_\_

ENGINEER.SURVEYOR/ARCHITECT   N/A  

EMAIL: \_\_\_\_\_ PHONE \_\_\_\_\_

Note:

1) TO BE ACCEPTED BY THE LAND USE OFFICE. THIS APPLICATION MUST BE COMPLETED, SIGNED, AND SUBMITTED WITH THE REQUIRED FEE(S) AND MAP(S) PREPARED IN ACCORDANCE WITH THE APPLICABLE REGULATIONS.

2) THE SUBMITTAL OF THIS APPLICATION CONSTITUTES THE PROPERTY OWNER'S PERMISSION FOR THE COMMISSION OR ITS STAFF TO ENTER THE PROPERTY FOR THE PURPOSE OF INSPECTION.

3) I HERBY AGREE TO PAY ALL ADDITIONAL FEES AND/OR ADDRESS SUCH COSTS DEEMED NECESSARY BY THE LAND USE OFFICE AS DESCRIBED IN PART THREE OF THIS APPLICATION.

**Town of Essex**  
**Inland Wetlands and Watercourses Commission**

Revised 9/1/2021

Fee: \$70 to Essex + \$60 to State = \$130

Application # \_\_\_\_\_ Date received by Office \_\_\_\_\_ Fee \$130

Owner of Record Jens Hupkau

Home Address 25 Heron Pond Road, Essex, CT

Mailing Address: same

Phone: Home/Cell 203 437-5298 Work: \_\_\_\_\_

Applicant's Name: same as Owner

Home Address \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Phone: Home/Cell \_\_\_\_\_ Work: \_\_\_\_\_

Applicant's interest in the land if the applicant is not the property owner \_\_\_\_\_

Location of Property by Street & Village Address: 25 Heron Pond Road, Essex, CT

**State the names of all property owners adjacent to the subject property:**

Name of Adjacent Property Owner	Street Address (include Mailing Address if Different)
<b>John M. Fitzgerald</b>	<b>24 Heron Pond Road, Essex, CT</b>
<b>Essex Land Trust</b>	<b>Wetlands (west of property)</b>
<b>ISAACS DAVID M &amp; ROBIN E (JT)</b>	<b>23 Heron Pond Road, Essex, CT</b>

**For large properties, please attach another sheet if necessary.**

Check applicable activities occurring in or within 100 feet of wetlands and/or watercourses:

Construction of a structure(s)	_____	Discharge	_____
Other site development work	_____	Pond creation/dredging	_____
Deposition or removal of material	_____	Tree removal	_____
Stream altering/channelization	<u>  x  </u>	Dam maintenance	_____
Subdivision/Resubdivision	_____	Other	_____

Nature of Request: Explain in detail the extent of any activity checked above, the type of material, and the equipment to be used to complete project. (Use additional sheets if necessary.) Please refer to "2022-01-09\_Lot 6 Heron Pond - Wetland Restoration.pdf" for a Visual Description of the project. The natural flow of the stream at the NORTH-WEST corner of the property (depicted by the blue arrow) is restricted by a large fallen tree trunk. Flash flooding of August and September of 2021 washed up additional debris and branches, which increased the blockage (depicted by red lines) and causes creation of a pool of water behind the blockage. Property owner and Land Trust have agreed to remove the blockage to restore the original flow. The debris, branches and dirt causing the blockage will be removed in the indicated location to restore the pre-flooding condition of the wetland as much as possible. The tree trunk will remain in place as it is too heavy to be removed by hand.

Estimated time for completion: 1 day

Explain what alternatives have been considered in connection with this application to avoid altering inland wetlands and/or watercourses?

N/A

**ACTIVITY LOCATION (Map with sufficient detail must be submitted as a part of the application)**

Approximate number of acres of wetlands (or portion thereof) on the property: 0.2 acres

Approximate area of inland wetlands to be altered: none

If known, are vernal pools or tidal wetlands located on the property? none

If yes, where and how many acres (or portion thereof) on the property? \_\_\_\_\_

Is property located within a Special Flood Hazard Area? no

Is any portion of the property within the channel encroachment line? no

Has the property been flagged by a licensed soil scientist yes

If yes, by who, and when? \_\_\_\_\_

Will there be water discharge into wetlands? no

Discharge – Specify Type \_\_\_\_\_

**ADDITIONAL INFORMATION MAY BE REQUIRED DEPENDING UPON THE COMPLEXITY OF THE PROJECT.**

**CERTIFICATION:**

The applicant understands that this application is to be considered complete only when all information and documents required by the Commission have been submitted. The undersigned warrants the truth of all statements contained herein and in all supporting documents according to the best of his/her knowledge and belief. Permission is granted to the Town of Essex Inland Wetlands and Watercourses Commission and its agent(s) to walk the land, at reasonable times, and perform those tests necessary to properly review the application, both before and after a final decision has been issued.

Applicant's  
Signature \_\_\_\_\_ Date \_\_\_\_\_

Owner's  
Signature \_\_\_\_\_ Date \_\_\_\_\_

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Commission Action      \_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_  
                                         Approved                                           Denied                                           Date

Agent Action              \_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_  
                                         Approved                                           Denied                                           Date

## ESSEX INLAND WETLANDS & WATERCOURSES COMMISSION PERMIT APPLICATION INSTRUCTIONS – Effective 5/24/17

Most projects will require an approved Inland Wetlands permit from either the Inland Wetlands Enforcement Officer or the Inland Wetlands and Watercourses Commission if your property lies

- Within wetlands or a natural or artificial watercourse (pond, river, cove etc...) or
- Within the 100' upland review area to an inland wetland or a watercourse.

**The Application Form** is available in the Zoning/Land Use Office or on-line ([www.essexct.gov](http://www.essexct.gov) -- under Departments/Zoning/Permits & Forms).

**Meeting Schedule:** The Inland Wetlands and Watercourses Commission meet the second Tuesday of the month at 7:00 pm in the Essex Town Hall (generally in Room A on the second floor). The schedule can be confirmed online.

**The Application Deadline** is eight days prior to the meeting by 4:00 pm. However, requests for the Commission to conduct a site visit can be made at any time including the meeting. A written request is preferred (simple letter format c/o the Wetlands Enforcement Officer – Zoning/Land Use Office).

**Application Fees** must be submitted at the time of application (see attached sheet).

**Thirteen copies of the application** must be submitted along with the accompanying site plan. Additional copies may be required depending upon the complexity of the project. If the project involves multiple site plan sheets (such as for subdivisions and/or commercial applications), check with the Inland Wetlands Enforcement Officer—11 full sets may not be necessary.

**Site Plans** must be of sufficient detail to show:

- The proposed activity with distances to the wetland, water body, or watercourse
- The location of the wetland, water body, or water course
- The location of the upland review area(s)
- Location of erosion and sedimentation control measures
- Location of buildings and driveways

For many landowners, a hand drawn plan (as long as it accurately depicts the area) or a copy of a site survey may be used. Consult with the Wetlands Enforcement Officer for advice. However, professionally prepared plans (by a Licensed Land Surveyor/Professional Engineer, and/or Soil Scientist) may be required depending upon the complexity of the project. New buildings will require professionally prepared plans. Septic system repairs and/or a new system will require prior approval from the Health Department.

**Process:** The review process may take one-three months depending upon the complexity of the project. The Commission generally schedules a site visit if the members are not familiar with the property. Although a copy of the application is usually distributed to the members prior to the meeting, members can only discuss the application at the meeting. Please do not attempt to discuss the application with individual members outside the meeting.

**You and/or your representative must be present at the meeting to discuss the application.** Pictures of the area may also be helpful.

If the application is approved, a decision notice is posted with the Town Clerk and a local paper (generally the Hartford Courant). An abutter may appeal the Commission's decision within 15 days of publication. If there is no appeal, an approved permit is mailed to the applicant. Other permits may be obtained at this time. **Remember activities (such as docks and retaining walls) within the CJL of the Connecticut River, its coves, or portions of the Falls River will require CT Department of Energy and Environmental Protection approval.**

**Questions?** Call **Carey Duques**, Land Use Official at **(860) 767-4340 Ext 115** or email at [cduques@essexct.gov](mailto:cduques@essexct.gov).

**FEE SCHEDULE**

**Updated September 2021**

***All checks for fees are payable to the Town of Essex***

ACTIVITY CATEGORY	FEE
<p><b>All activities except declaratory rulings have a separate surcharge to CT DEEP\$60.00 – <i>*The Town has no control over the CT DEP fee – <u>Make check payable to the “Town of Essex”</u></i></b></p>	<p><b>\$ 60*</b></p>
<p><b>Declaratory ruling/"uses as of right" or Preliminary reviews: No charge</b></p>	<p><b>0</b></p>
<p><b>Single family residential construction in regulated upland review area:</b> Includes Wetlands Enforcement Officer Permit involving excavation or re-grading (only in the regulated upland area)</p>	<p><b>\$ 70</b></p>
<p><b>Single family residential construction within inland wetlands or stream crossing, maintenance or replacement of culvert</b></p>	<p><b>\$ 70</b></p>
<p><b>Subdivision/zoning review:</b> No activities in regulated upland area or wetlands</p>	<p><b>\$110</b></p>
<p><b>Subdivision activities: Minor</b> (landscaping or limited grading within regulated upland area)</p>	<p><b>\$260</b></p>
<p><b>Subdivision activities:</b> Drainage and/or road in either regulated upland area or wetlands <b>Plus \$250 per lot with activities in a regulated area and Technical Review Fee</b></p>	<p><b>\$260+</b></p>
<p><b>Commercial/Industrial/Institutional applications:</b> Minor grading within upland area only with limited or no Town Engineer review</p>	<p><b>\$210</b></p>
<p><b>Commercial/Industrial/Institutional applications:</b> Involving site and/or stormwater review by Town Engineer <b>plus Technical Review Fee</b></p>	<p><b>\$410+</b></p>
<p><b>Other: Pond dredging, forestry review (other than “as-of-right”)</b></p>	<p><b>\$85</b></p>
<p><b>Public Hearing Charge</b></p>	<p><b>\$310</b></p>
<p><b>Technical Review Fee:</b> 150% of the cost of engineering or other professional review as determined by the Town Engineer and/or professional. This includes the cost of inspections. The applicant will receive a refund on any fee in excess of the Town’s cost. <b>Note: This is also allowed per Section 3.3 of the Town’s Fee Ordinance.</b></p>	
<p><b>Amendments to Wetlands Map or Regulations proposed by applicant other than Commission</b></p>	<p><b>\$310</b></p>

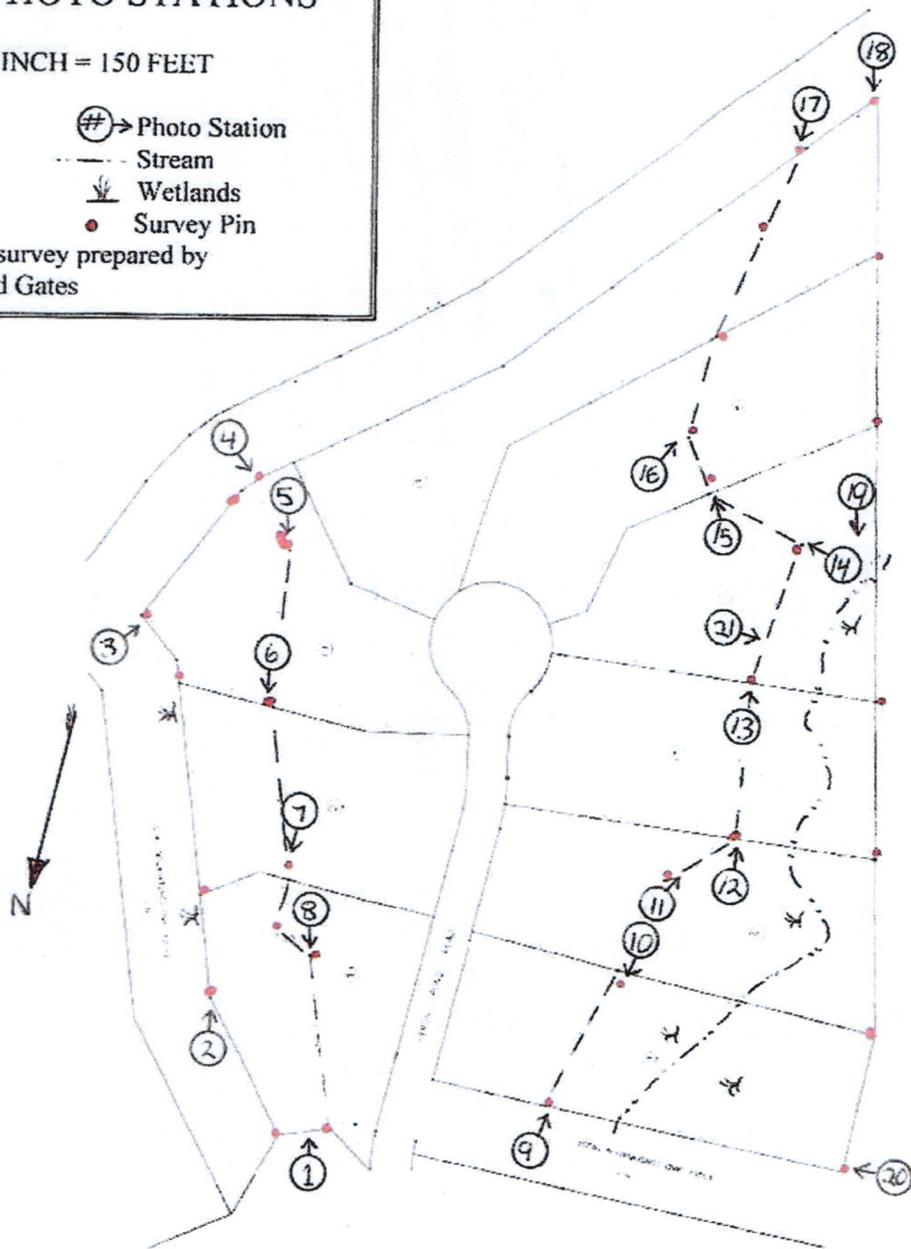


# MAN-MADE FEATURES & PHOTO STATIONS

ONE INCH = 150 FEET

- Ⓝ → Photo Station
- Stream
- ☼ Wetlands
- Survey Pin

From: survey prepared by  
Richard Gates



## PHOTOGRAPHIC DATA SHEET

Photographs were taken by Anthony Irving of EECOS, Inc. on April 19 and 24, 2018. Photo station numbers showing the direction that each picture was taken are noted on the Photo Stations and Features map.

- 1) Looking southeast at north end of eastern easement
- 2) Looking southeast along eastern boundary of eastern easement
- 3) Looking south along eastern boundary of eastern easement
- 4) Looking northwest from southern boundary of eastern easement
- 5) Looking north along western boundary of eastern easement
- 6) Looking north along western boundary of eastern easement
- 7) Looking north along western boundary of eastern easement
- 8) Looking north along western boundary of eastern easement
- 9) Looking south from northern end along eastern boundary of western easement
- 10) Looking north along eastern boundary of western easement
- 11) Looking south along eastern boundary of western easement
- 12) Looking southeast along eastern boundary of western easement
- 13) Looking southeast along eastern boundary of western easement
- 14) Looking southeast along eastern boundary of western easement
- 15) Looking south along eastern boundary of western easement
- 16) Looking south along eastern boundary of western easement
- 17) Looking north from southern end along eastern boundary of western easement
- 18) Looking north from southern end along western boundary of western easement
- 19) Looking north along western boundary of western easement
- 20) Looking east from northern end of western easement
- 21) Looking northeast at property line towards Protected Property
- 22) Looking west towards Protected Property from easement line on lot 1-6



19) Looking north along western boundary of western easement



20) Looking east from northern end of western easement



21) Looking west towards Protected Property from easement line on lot 1-6

1. Purpose. The purpose of this Conservation Restriction and Easement is to assure that the Protected Property, except for its use for Forestry Activities and Maintenance Activities (as defined below), shall be preserved forever in its natural, scenic, and open-space condition in order to prevent its use or development for any purpose or in any manner whatsoever which would conflict with the use and preservation of such property for the purposes set forth in this Conservation Restriction and Easement.

2. Definitions.

2.1 "Forestry Activities" means: planting, growing, spraying, pruning, cutting or other removal of live or dead trees all in accordance with generally accepted forestry practices. Such activities shall be selective, and any activity approaching "clear-cutting" shall be prohibited. Such activities may include the use of agents designed or intended to control, eliminate or prevent hazards, disease or fire or to maintain the aesthetic and horticultural qualities of the Protected Property. Such permitted activities may include activities necessary to preserve or enhance wildlife habitat and overall forest productivity.

2.2 "Maintenance Activities" means: any activity, especially of an emergency nature, not clearly falling under Section 2.1, which may be undertaken to avoid, ameliorate or eliminate hazards to public safety or health, or to the natural, unspoiled state of the Protected Property, enhance the natural habitat and/or aesthetic and scenic quality of the Protected Property or for protection of the watershed resources.

3. Prohibited Uses. Any activity on or use of the Protected Property inconsistent with the purpose of this Conservation Restriction and Easement is prohibited. Without limiting the generality of the foregoing, the following activities and uses are expressly prohibited, all except as provided in Paragraphs 5 and 6 or as reasonably required for the purposes permitted in Paragraphs 5 and 6 below:

3.1 There shall be no constructing or placing of any building, tennis or other recreational court, landing strip, parking lots or area, camping accommodations, mobile home, swimming pool, fence or sign (other than signs erected by Grantee designating the Protected Property as a conservation area and, within the Access Easement Areas only, trail signs erected by Grantee), asphalt or concrete pavement, billboard or other advertising display, antenna, utility pole, tower, conduit, line, sodium vapor or other lights or any other temporary or permanent structure or facility on, above or below the Protected Property.

3.2 There shall be no ditching, draining, diking, filling, excavating, dredging, mining or drilling, removal of topsoil, sand, gravel, rock, minerals or other materials, nor any building of roads or change in the topography of the Protected Property in any manner.

3.3 There shall be no removal, destruction or cutting of trees, shrubs or plants, planting of trees, shrubs or plants, use of fertilizers, introduction of non-native animals, grazing of domestic animals or disturbance or change in the natural habitat in any manner.

3.4 There shall be no storage or dumping of ashes, trash, garbage, or other unsightly or offensive material, hazardous substance, or toxic waste, nor any placement of underground storage tanks in, on, or under the Protected Property; there shall be no changing of the topography through the placing of soil or other substance or material such as land fill or dredging spoils, nor shall activities be conducted on the Protected Property which could cause erosion or siltation on the Protected Property.

3.5 There shall be no pollution, alteration, depletion or extraction of surface water, natural water courses, lakes, ponds, marshes, subsurface water or any other water bodies, nor shall there be activities conducted on the Protected Property which would be detrimental to water purity, or which could alter natural water level and/or flow in or over the Protected Property.

3.6 There shall be no horseback riding and no operation of motorized bicycles, snowmobiles, dune buggies, motorcycles, all-terrain vehicles, hang gliders, aircraft, jet skis, motorized boats or any other types of mechanized vehicles.

3.7 The Protected Property and the lots shown thereon may not be further divided, partitioned, subdivided or conveyed except in their current configurations.

3.8 There shall be no commercial or industrial use of the Protected Property.

3.9 There shall be no construction, improvement or upgrading of roads.

3.10 Except for the Access Easement, there shall be no granting of any right of way or right of passage, inconsistent with the conservation purposes as described within, over any portion of the Protected Property.

3.11 Although portions of the Protected Property are within approved residential subdivision lots, no building, improvement or structure or mobile shelter shall be located within the Protected Property itself, unless specifically permitted under this Conservation Restriction, or unless Grantee gives its discretionary consent pursuant to Paragraph 5.9.

3.12 There shall be no hunting or trapping, except that non-lethal capture of animals for relocation either for legitimate conservation purposes or to remove dangerous or nuisance wild animals to locations more suitable to their requirements shall be permitted when carried out by the State of Connecticut conservation officers or properly qualified wildlife conservation specialists recognized by and acceptable to the Grantee.

4. Grantor's Reserved Rights. The Grantor reserves for itself and its successors and assigns, all rights accruing from the ownership of the Protected Property, including the right to convey the fee simple interest in the Protected Property, and the right to use the Protected Property for purposes not inconsistent with this Conservation Restriction and Easement. Grantor and Grantee acknowledge that the exercise of any reserved right enumerated herein by the Grantor shall not relieve Grantor from complying with or obtaining any permit from any applicable governmental authority prior to the exercise thereof.